

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO UTILITIES AUTHORITY**

**MINUTES
October 27, 2015**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, October 27, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:01 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee. Mayor Pro Tem Baca Jr. was absent.

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CLOSED SESSION

1. Conference with Legal Counsel - The City Council will discuss the following employee performance evaluation pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Administrator

CLOSED SESSION

2. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) San Bernardino Valley Municipal Water District vs. San Gabriel Valley Water d.b.a. Fontana Water Company, et al
S.B. Superior Court Case No. CIVDS1311085
 - (b) City of Rialto vs. San Gabriel Valley Water Company
S.B. Superior Court Case No. CIVDS1512045
 - (c) Brian Grice vs. City of Rialto
WCAB CR-04-0500006
 - (d) Timothy Heinemeyer vs. City of Rialto
WCAB CR-06-0500046
 - (e) Alexander Rodriguez vs. City of Rialto
WCAB CR-09-0500029

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3. 15-775 Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case Claimant: Margarita Juarez

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CLOSED SESSION

Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to go into Closed Session at 5:03 pm. City Council returned at 5:56 pm. Mayor Pro Tem Baca Jr. was absent.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante. Mayor Pro Tem Baca Jr. was absent.

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Pledge of Allegiance and Invocation

Mayor Deborah Robertson led the pledge of allegiance and Council Member Palmer gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Fred Galante stated that City Council met in Closed Session on all items listed on the Agenda.

1. Public Employee Performance Evaluation, Title: City Administrator. No reportable action was taken.

**City Attorney's Report on
Closed Session**

- 2a. Existing Litigation, San Bernardino Municipal Water District v. San Gabriel Valley Water dba Fontana Water Company. City Council heard an update and by motion of Council Member Scott, second by Council Member O'Connell and carried by a 4-0 vote to approve providing additional authority to continue to retain an expert hydro geologist for an additional \$15,000 beyond the City Administrator authority. No further reportable action was taken.
- 2b. Existing Litigation, City of Rialto v. San Gabriel Valley Water. City Council heard a report and reportable action was taken.
- 2c-e City Council head the three workers compensation items. An update was provided and no further reportable action was taken.
- 3. Anticipated Litigation. The claimant: Margarita Juarez. City Council provided direction and no reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

- 1. Presentation-FY 2014-2015 Recreation Commission Annual Report by Chairperson Joe Britt
- 2. Presentation-Donation to Rialto Fire Explorers-Paramedic Firefighter Jason Van Vlymen
- 3. Introduction of New Fire Department Ambulance Operators-Fire Chief Mat Fratus

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ORAL COMMUNICATIONS

June Hayes, requested City Council adjourn the meeting in memory of Michelle McLucas wife of longtime Recreation volunteer Leroy McLucas.

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Michael Representative of Congresswoman Norma Torres to invite the public to the El Nino Preparedness Seminar on Saturday November 7th at the Chino Police Dept. Community Room.

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Council Member O'Connell stated that he has received calls regarding concerns about the canals, runoffs, El Nino, and overgrowth. He would like to make some arrangements to make sure the runoffs are cleared out before the winter.

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Catrina Johnson Green, Director for the Center for Effective Life Transitions, a counseling center in Rialto. They have a goal of serving 200 homeless and at-risk families on Thanksgiving Day and asked for City Council support.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Resolution No. 15 (10/16/15)

B.2 Resolution No. 16 (10/23/15)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting – October 13, 2015

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D. SET PUBLIC HEARING

- D.1 Request City Council to Set a Public Hearing for November 10, 2015, to (i) Adopt an Ordinance Adding Section 18.72.170 Regarding the Recovery of Municipal Code Enforcement Costs and (ii) Approve Resolution establishing Fees.
- D.2 Request City Council to Set a Public Hearing for November 24, 2015, to Review and Adopt by Resolution, the “One Water One Watershed (OWOW) 2.0 Plan”, the Integrated Regional Water Management Plan (IRWMP) for the Santa Ana River Watershed.
- D.3 Request City Council to Set a Public Hearing for November 24, 2015, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 2nd Quarter of the 2015 Calendar Year.

E. MISCELLANEOUS

- E.1 Request City Council to Adopt Resolution No. 6839, Approving an Extraterritorial Wastewater Service Agreement with the Property Owner Located at 18772 Valley Boulevard, Bloomington, CA.
- E.2 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for September 2015.
- E.3 Request City Council to Accept the Rialto Airport Demolition Project Phase 1 at the former Rialto Airport, (Project No. 130704-45); Authorize Filing of the Notice of Completion and Release Retention to Pantano Excavating, Inc., dba Pantano Demolition.
- E.4 Request City Council to Approve an Increase of the Purchase Order with Ricky Tankersley, Information Specialist, for Fiscal Year 2015/2016 for Information System Support through June 2016 for a Total Cost of \$21,000.
- E.5 Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for September 2015.
- E.6 Request City Council to Approve the Professional Services Agreement with FG Solutions, LLC for the Efficiency-based Water Rate Study in the Amount of \$44,710.

CONSENT CALENDAR

- E.7 Request City Council to Adopt Resolution No. 6840 Authorizing the Destruction of Certain Municipal Records of the Recreation and Community Services Department.
- E.8 Request Rialto Utility Authority to Approve the Ninth Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to approve the Consent Calendar. Mayor Pro Tem Baca Jr. was absent.

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TAB 1 - Amended and Restated Memorandum of Understanding - Rialto Professional Firefighters Local 3688

George Harris, Director of Administrative Services, presented the staff report regarding the Amended and Restated Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto Professional Firefighters Local 3688 Unit.

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Mayor Robertson asked under the Cafeteria plan, are the numbers correct?

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Mr. Harris stated that total amount is correct. Its \$100 increase per employee for a total of \$1200 per member.

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Council Member O'Connell stated that there are a lot of congratulations to go forward on this. For the union for giving up some positions for the benefit of the City. Also to the Fire Chief, who is bringing in people in to work the paramedic program. They provide a step, to go from Explorers to this program, a reserve program. This allows them to have people coming in that have the knowledge and fortitude and ambition to get into this position. This program will save them money and great for the residents.

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Council Member Palmer stated that the Fire Union as most unions are a very tight knit group of people. Sometimes it's hard to break into them and to get things from them. He is proud they opened up and took a look outside the box on what this could do for the union and the City. He thanked them, which will be a benefit to the City to get the Ambulance Operators on the street.

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TAB 1 - Amended and Restated Memorandum of Understanding - Rialto Professional Firefighters Local 3688

Mayor Robertson stated she remembers when they started the discussion before they received the SAFER grant. This is has been an evolution of not only receiving a grant that came from the Federal level that allowed them to expand their staffing but become creative and recognize what is occurring within the health community and the need to change and transition. Often times is difficult to get the organized unions to be willing to open up and be able to deviate from a traditional path. She has witnessed many times with her parent having to go to the hospital and observed that a lot of the services are tied up at the hospital in the emergency room because once you transport someone and if the emergency room is backed up the staff has to stay there until they can move the person to a bed. This impacts the services if something else happens in the community. She appreciates and applauds that they have managed to transition and recognize they are providing life care and health services to the citizens more often than they are responding to fires.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to Approve the Amended and Restated Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto Professional Firefighters Local 3688 Unit (Local 3688) for Benefit Changes to be Effective November 1, 2015. Mayor Pro Tem Baca Jr. was absent.

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TAB 2 – Second Reading of Ordinance No. 1563 – Development Agreement with new Owner Baseline Opportunity, LLC

Greg Lantz, Economic Development Manager, presented the staff report regarding the Second Reading of Ordinance No. 1563.

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Motion by Council Member Scott, second by Council Member Palmer and carried by a 4-0 vote to Approve Second Reading of Ordinance No. 1563, entitled "AN ORDINANCE OF THE CITY OF RIALTO APPROVING A DEVELOPMENT AGREEMENT (15-01) BY AND BETWEEN THE CITY OF RIALTO AND PDC OC/IE AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH", which Shall Include Modifications to Development Agreement (15-01) to Change the Owner, as defined therein, to be Baseline Opportunity, LLC and to Increase the Amount of the Miro Way In-Lieu Fee, as denoted in Attachment 4, Item 4 of Development Agreement (15-01) from to \$366,778.36 to \$415,408.22. Mayor Pro Tem Baca Jr. was absent.

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TAB 3 - Implementing California Statewide Communities Development Authority's Open Pace Program

John Dutrey, Development Services Project Manager, presented the staff report regarding the implementing California Statewide Communities Development Authority's Open Pace Program. the inclusion of properties within the City of Rialto and joining as Associate Member in the California Home Finance Authority's Community Facilities District No. 2014-1 Program and the Property Assessed Clean Energy Program.

**TAB 3 - Implementing California
Statewide Communities Development
Authority's Open Pace Program**

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Approve (i) Resolution No. 6441 consenting to the inclusion of properties within City of Rialto for the purposes of implementing California Statewide Communities Development Authority's Open Pace Program; and, (ii) Resolution No. 6442 and Resolution No. 6443 consenting to the inclusion of properties within the City of Rialto and joining as Associate Member in the California Home Finance Authority's Community Facilities District No. 2014-1 Program and the Property Assessed Clean Energy Program to finance renewable energy generation, energy and water efficiency improvements, and electric vehicle charging infrastructure.

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**TAB 4 - Professional Services Agreement
with Wallace and Associates Consulting
for "On-Call" Public Works Construction
Management and Inspection Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Professional Services Agreement with Wallace and Associates Consulting for "On-Call" Public Works Construction Management and Inspection Services.

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Council Member Palmer asked if these are these the ones they had asked for him to put out to bid? They had a concern that Willdan was doing a lot of the work. It's interesting to note they were one of the top three but not the one that was picked. He commended him a good job of evaluating and spreading the wealth around.

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Mr. Eisenbeisz stated that the scoring was very close.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to Approve a Professional Services Agreement with Wallace and Associates Consulting for "On-Call" Public Works Construction Management and Inspection Services Related to Private Land Development Projects with an Initial Estimated Annual Amount of \$300,000 for the 2015/2016 Fiscal Year. Mayor Pro Tem Baca Jr. was absent.

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**TAB 5 – Third Amendment to PSA –
Riverside Avenue/Linden Avenue Traffic
Signal Installation Project, City Project
No. 120802**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Third Amendment to the Professional Services Agreement with KOA Corporation for the Riverside Avenue / Linden Avenue Traffic Signal Installation Project.

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**TAB 5 – Third Amendment to PSA –
Riverside Avenue/Linden Avenue Traffic
Signal Installation Project, City Project
No. 120802**

Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to Approve a Third Amendment to the Professional Services Agreement with KOA Corporation in the amount of \$17,780 for a Total Contract Amount of \$204,940 for the Riverside Avenue / Linden Avenue Traffic Signal Installation Project, City Project No. 120802. Mayor Pro Tem Baca Jr. was absent.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to adjourn the City Council meeting at 7:22 p.m. in memory of:

**Michelle McLucas
Rialto Resident**

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